



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1998

VIA FAX and FIRST-CLASS MAIL

Lyn Utrecht, Esquire
Oldaker, Ryan, Philips & Utrecht
818 Connecticut Avenue, N.W.
Suite 1100
Washington, D.C. 20006

RE: MURs 4544 and 4407

Dear Ms. Utrecht:

Enclosed for your consideration is a proposed *Agreement To Stay Discovery And To Toll The Limitations Period For Commencing A Civil Action*. Once you have had the opportunity to review the proposed agreement, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joel J. Roessner".

Joel J. Roessner
Attorney

Enclosure: Agreement To Stay Discovery And To Toll The Limitations Period For
Commencing A Civil Action

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MURs 4407 and 4544

**AGREEMENT TO STAY DISCOVERY AND
TO TOLL THE LIMITATIONS PERIOD FOR COMMENCING A CIVIL ACTION**

The Federal Election Commission ("Commission") and Respondents the Clinton/Gore '96 Primary Committee, Inc., and Joan Pollitt, as treasurer; the Clinton/Gore '96 General Committee, Inc., and Joan Pollitt, as treasurer; President William J. Clinton; Vice President Albert Gore, Jr.; and the Democratic National Committee, and Carol Pensky, as treasurer ("Respondents") agree as follows:

1. **Purpose** The purpose of this Agreement to Stay Discovery and to Toll the Limitations Period for Commencing a Civil Action ("Agreement") is to stay discovery in Matters Under Review (MURs) 4407 and 4544, and toll the running of the limitations period for a civil action arising from these MURs, thereby affording the Commission and the Respondents sufficient time to endeavor to enter into binding stipulations which, to the extent possible, will obviate, or limit, the need for discovery in these MURs in any subsequent civil action or actions.
2. **Stay of Discovery** The Commission agrees to stay certain discovery. For purposes of this stay, "certain discovery" means issuing any subpoena commanding the production of documents and/or the appearance for a deposition, issuing an order requiring answers to written questions, and/or commencing an action to enforce any such subpoena or order that is currently pending, with respect to the Respondents and the following non-respondent witnesses: Erskine Bowles, Harold Ickes; William Knapp; Peter Knight; Terrence McAuliffe; Leon Panetta; Marius Penczner; Mark Penn; Douglas Schoen; Hank Sheinkopf; Doug Sosnik; Robert Squier; Betsy Steinberg; George Stephanopoulos; the November 5 Group, Inc.; Squier Knapp Ochs Communications, Inc.; and the Executive Office of the President. The period of the stay shall be from July 10, 1998 to October 16, 1998.
3. **Tolling of the Limitations Period** The Respondents agree to toll the time in which the Commission, pursuant to 2 U.S.C. § 437g(a)(6), may institute a civil action against the Respondents for relief for an alleged violation, or violations, of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431-481 ("the Act"), chapter 95 of Title 26 of the United States Code and/or chapter 96 of Title 26 of the United States Code, arising from the activity at issue in MURs 4407 and 4544. For purposes of this tolling, violations "arising from the activity at issue in MURs 4407 and 4544" means the violations, if any, which the Commission, at the conclusion of its investigation in MURs 4407 and 4544, finds probable cause to believe have occurred. The tolling applies to the five (5) year statute of limitations set forth at 28 U.S.C. § 2462, and/or any other statute of limitations or repose that may be applicable to an alleged violation, or violations, arising from the activity at issue in these MURs. The period of tolling shall be from July 10, 1998 to October 16, 1998.

4. Extension of Agreement This Agreement may be extended only by written agreement signed by the Commission and Respondents, or their respective legal representatives. There shall be no additional or further stay of discovery or tolling of the limitations period without such written agreement.
5. Termination of Agreement This agreement may be terminated by the Commission or any Respondent. Such termination shall not be effective unless made in writing and delivered by certified mail to each other party to the agreement, or their respective legal representatives. Notice of termination shall be mailed to each other party to the agreement on the same day. Termination shall take effect five (5) business days following the date on which notice of termination is mailed. On the fifth day following the mailing of notice of termination, the stay of discovery shall be lifted and the tolling of the limitations period shall cease. Termination by any party shall terminate the agreement as to all parties to the agreement.

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Lawrence M. Noble, Esquire

General Counsel for the Federal Election Commission

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Lyn Utrecht, Esquire

Counsel for Respondents the Clinton/Gore '96 Primary Committee, Inc., and Joan Pollitt, as treasurer; the Clinton/Gore '96 General Committee, Inc., and Joan Pollitt, as treasurer; President William J. Clinton; and Vice President Albert Gore, Jr.

/ /1998

Joseph Sandler, Esquire

Counsel for Respondent the Democratic National Committee, and Carol Pensky, as treasurer